

(10)
1-23-01
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID E. CHIPPS,

Plaintiff

v.

PIKE COUNTY PRISON GUARDS
O'HARA, MCCRONE, SCHWARTZ,
COOK, WALTON, SEMANKO, SGT.
MCGLAUGHLIN, SGT. RODRIGUEZ,
LT. ROMANCE, CAPT. LOWE,
CAPT. CARVALHO, PIKE COUNTY
PRISON WARDEN PROWELL,
PIKE COUNTY COMMISSIONERS,
U.S. MARSHALS SERVICE and
UNIDENTIFIED U.S. MARSHALS,
PA STATE POLICE TROOPER
MURRAY AND UNIDENTIFIED PA
STATE OFFICIALS,

Defendants

CIVIL ACTION NO. 1:CV-00-1179

(Judge Kane)

FILED
HARRISBURG, PA

JAN 22 2001

MARY E. D'ANDREA, CLERK
PER 9/18 DEPUTY CLERK

ORDER

Plaintiff filed a complaint and an application to proceed in forma pauperis with accompanying affidavit on June 29, 2000. Because the affidavit submitted by Plaintiff failed to meet the requirements of 28 U.S.C. § 1915(a)(1), the Court denied Plaintiff's request for in forma pauperis status on September 5, 2000. The Court directed Plaintiff to submit the form of affidavit provided by the Clerk of Court if he chose to submit another request for in forma pauperis status. Rather than submitting a new request, Plaintiff appealed this Court's September 5, 2000 Order to the Third Circuit. That appeal was dismissed for failure to timely prosecute on December 13, 2000.

Therefore, upon consideration of the above, IT IS ORDERED THAT within ten (10) days of the date of this Order, Plaintiff shall either submit the \$150.00 filing fee to

the Clerk of Court, or submit a proper request for in forma pauperis status. If Plaintiff fails to comply with this Order, his complaint will be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.

A handwritten signature in black ink, appearing to read "Yvette Kane", is written over a horizontal line.

YVETTE KANE
United States District Judge

Dated: January 22, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

January 22, 2001

Re: 1:00-cv-01179 Chipps v. O'Hara

True and correct copies of the attached were mailed by the clerk
to the following:

David Elliot Chipps
479 South River Street
Wilkes-Barre, PA 18702

cc: Judge (✓)
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Ct Reporter ()
Ctroom Deputy ()
Orig-Security ()
Federal Public Defender ()
Summons Issued () with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5 ()
Order to Show Cause () with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()
Bankruptcy Court ()
Other ()

MARY E. D'ANDREA, Clerk

DATE: 1-22-01

BY: 
Deputy Clerk